

CAYON HBLK83

81P63

PAL

Shinkley, Brian

L Presentation on the inadequate
policies & procedures for the
enforcement of the City of Hamilton's
property standards by laws
June 1981

"A THREAT TO LIFE"

A PRESENTATION

BY

ALDERMAN BRIAN HINKLEY

TO THE

CITY OF HAMILTON'S

PLANNING AND DEVELOPMENT COMMITTEE

ON THE

INADEQUATE POLICIES AND PROCEDURES

FOR THE ENFORCEMENT OF THE

CITY OF HAMILTON'S PROPERTY STANDARDS BY-LAWS

HAMILTON PUBLIC LIBRARY
JUL 27 1981
GOVERNMENT DOCUMENTS

June, 1981

INDEX

Introduction	1
The City of Hamilton - What is the Direction?	4
Property Standards By-law 74-74	6
The Bottom Line	10
Contributing Factors to the Overall Problem of Effective Property Standards Enforcement	11'
Other Perplexing Factors	13
City-owned Properties - Mud on the Corporation's Face	14
The Toronto Experience	16
Recommendations	17
Appendix	19

INTRODUCTION

For the past four years, I have been quietly working with the various civic authorities in the Building, Health, Legal and Fire Departments in an attempt to clean up, repair and make safe sub-standard and hazardous buildings.

During the last few months, since February of this year, I have been sharing many of these concerns with Mr. Lou Sage, the City of Hamilton's Chief Administrative Officer. Meetings were held with various city staff to identify problem areas and implement measures that may produce better results. These meetings produced useful information sharing but very little in the way of new direction. It has become obvious to me that some new policy decisions are required and therefore, the elected officials must provide this direction to staff (see Exhibit "A").

Some success and progress has been achieved through the judicious use of the property standards by-law and by way of home improvement grants and loans. These improvements were only possible because of the willingness of the property owners to co-operate with the Building Department or the Community Development Department.

Other property owners, however, (usually absentee landlords) are more difficult to make contact. If contact is made, these absentee landlords are often very slow to respond. Steadfast diligence and perseverance on the part of civic inspectors will most of the time result in compliance.

The most difficult property owner is in a category all of his own. This type of property owner is also an absentee landlord. However, this label alone does not sufficiently describe his activities. He is best described as the "slum landlord". The City is losing the battle against these individuals. I use the term "battle" because that is precisely what it is. It is a battle between public authorities who are trying to carry out their responsibilities to ensure public safety and the well-being of people are protected and property owners who use every opportunity,

no administrative adjustments, no staff re-allocation. It is simply not perceived to be a priority or a concern by the majority of the politicians. The problem remains like a festering sore waiting to be infected again with a fresh outbreak of distress somewhere else in the City. The whole scenario is once again repeated and repeated like a nightmare that won't go away.

In the meantime, the slum landlord continues to run down properties; the property values of decent hardworking folks are depreciated. Public safety and people's lives are threatened. The slum landlord continues with his normal mode of operation confident that the bureaucratic, legal and judicial system will continue to protect his property interests over the lives and safety of the public.

THE CITY OF HAMILTON - WHAT IS THE DIRECTION?

THE OFFICIAL PLAN:

The following excerpt is the complete text from the City of Hamilton's Official Plan regarding property maintenance.

"5.1 Council will endeavour to maintain and improve the condition of all properties through enforcement of Zoning, Building and Health By-laws.

5.2 Council will enforce by-laws pursuant to The Planning Act:

- i) Setting forth Property Standards for the maintenance and occupancy of all property within the City;
- ii) Prohibiting the use or occupancy of any property that does not conform to the standards;
- iii) Requiring property to be repaired and maintained to comply with those standards; and,
- iv) Requiring lands cleared of buildings or structures to be left in a graded and levelled condition and free of debris or refuse.

5.3 Council will endeavour to raise the standards of new development, both intrinsically and in relation to the immediate environment, through the strengthening and wider application of Development Control policies pursuant to The Planning Act.

- 5.4 On its own initiative and complementary to the enforcement of Property Standards on private properties, Council will undertake to keep in a fit and well-maintained condition all municipal properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, water and sewage facilities and other public works."

The City of Hamilton has taken a number of important and positive steps in the redevelopment of decaying sections of the city. The urban renewal program, downtown revitalization the home improvement programs, the neighbourhood improvement programs, the Central Area Plan, etc., etc., are all designed to renew our community and rid our city of blight and deterioration. This thrust towards rehabilitation and maintenance has strong support from the Province of Ontario.

A great deal has been accomplished but a lot more needs to be done to keep this thrust alive. If Hamilton is to be an attractive city both for its residents and tourists we simply must do a better job of property maintenance and cleaning up derelict and hazardous buildings. Changes are required in the City's housing policies and property standards enforcement procedures if neighbourhoods are to have safe and physically acceptable building conditions.

PROPERTY STANDARDS BY-LAW 74-74

(see Exhibit "B")

The passing into by-law form legislation to set and maintain minimum standards of property maintenance is a credit to the foresight of the Council members of that day. The legislation and by-law is basically sound and good. The use of the by-law and the resources necessary to carry out its functioning has gone bad. The lack of new or revised policy direction must be clearly articulated by the elected Members of Council.

The present enforcement procedures of the Property Standards By-law allows many opportunities for property owners to co-operate. The process has built-in appeal systems and other mechanisms which go a long way to ensure that the public are dealt with fairly. It has been my experience that the Building Inspectors have treated the general public fairly and with every courtesy. I am not entirely confident that this rapport with the public can be properly maintained under the increasing stressful and frustrating situations confronting our inspectors during certain property standards enforcement proceedings.

Those property owners who wish to avoid their responsibilities can effectively do so by short-circuiting the enforcement process. The first way to delay the process is by taking maximum advantage of the built-in leniency provisions of the By-law. The second way responsibility is avoided is due to the weak policy direction provided by Council to the Building Department. The absence of a positive policy directive to the Building Department giving the designated inspector the authority to make the decision as to when the City should repair buildings is a major weakness in the property standards enforcement procedures.

Some landlords know through experience that some notices or orders may not be followed up. The department workload, procedures,

priorities and resources all play some part in slowing down the process. These landlords also know that if they are called into court that the judicial process will provide every opportunity to the accused for delays, remands, etc., so that trial may take the better part of a year before a decision is finally rendered. When a conviction is received, the fine is so insignificant as not to matter and provides little incentive for the individual to repair his property. He may also avoid his responsibility by periodically shifting the ownership of his properties to other people on a temporary basis. This duplicity allows the slum landlord to keep one step ahead of the authorities and avoid his responsibilities.

Because it is not uncommon to wait months for verification of ownership the landlord chuckles gleefully to himself as the game of cat and mouse is played to the fullest.

During the entire course of this exercise taxpayers' dollars are being spent to finance this "chase" with little actual rehabilitation taking place. In fact, it has been my experience that many times buildings reach a state, during the chase, where it is no longer economically feasible to repair the buildings. The buildings have become so structurally unsound and unsafe that they then must be demolished. This ultimate action does remove an unsafe condition, but it also removes needed housing and tax revenue from the City.

During this whole process, it apparently seems inconsequential if some poor welfare recipient is maimed or is killed because of negligence. There is a strange and subtle attitude of reserved acceptance, predictability and hopelessness. An attitude that is unacceptable but is understandably fostered by the system's shortcomings.

The experience I have had in my Ward is only the tip of the iceberg to a growing problem that has many tentacles.

The following buildings in my Ward were demolished after a great deal of effort was made to have the buildings repaired.

- 1) A twenty-unit apartment building at 21-23 St. Matthews Avenue
- 2) A twelve-unit apartment building at 175 Balsam Avenue South
- 3) A large duplex, plus a new extension at 74 Afton Avenue
- 4) A single family unit at 105 Victoria Avenue North

Add to this list, buildings that were demolished because of intervening circumstances.

- 1) Two single family units at 48 and 52 Lloyd Street
- 2) One single family unit and two duplexes at 123, 127 129 West Avenue North

Add to this list, buildings to be demolished.

- 1) Two single family units at 89 and 93 Century Street
- 2) A duplex at 42 Evans Street

The scenario (except for degrees of intensity) is always the same. It almost always takes a crisis situation, public uproar and media attention to resolve the problem. The media only become interested at the crisis stage. The growing crisis is not newsworthy. All of these streets are relatively quiet now. Fullerton Avenue is the current victim of the system's failure to adequately respond.

But tearing down buildings is not resolving the problem. This action is only shifting the problem and very soon will create a major housing crisis. Most if not all of the above-mentioned buildings were at various stages of the property standards enforcement procedures. Almost all of these sites remain as vacant land at the present. No housing, and little tax revenue. Just in this small sampling alone, in one Ward of the City, over 100 people have been displaced. Add this tally to the following

factors for consideration:

- 1) All the other low income housing units in the rest of the City that have been demolished because of poor maintenance,
- 2) Over eighty housing units demolished in recent years for the development of the Powell, Beemer, Beasley and Central parks,
- 3) Hundreds of vacant residentially-zoned lots sitting idle throughout the developed areas of the City. There is much good serviced land not being beneficially put to use.
- 4) An unwillingness by the private house building industry to build modest homes on these vacant lots or provide infilling (see Exhibit "C"),
- 5) An inadequate response from local government in addressing the need for both low income ownership housing and rental accommodations,
- 6) The present economic conditions act to discourage private rental and apartment construction,
- 7) The present economic conditions are discouraging present homeowners living in older, modest housing from making new home purchases,
- 8) If the present trend in mortgage rates continue for any length of time, foreclosures will surely result and still more people will be looking for rental accommodations or less expensive housing,
- 9) The present vacancy rates in the Region are very low and apparently still dropping.

THE BOTTOM LINE

Demolishing more and more low income housing units at this particular time without providing adequate replacement will dry up low income housing and force a social crisis with much broader repercussions. The social and financial costs to the taxpayer are not calculable. The people on the bottom scale of the income ladder will be financially squeezed beyond their abilities to maintain themselves. The lower-middle income wage earners will find affordable accommodations difficult to obtain.

CONTRIBUTING FACTORS TO THE OVERALL PROBLEM
OF EFFECTIVE PROPERTY STANDARDS ENFORCEMENT

Since the responsibility of property standards enforcement was transferred from the Community Development Department to the Building Department, one must question whether sufficient resources in the way of staffing, training, physical office space, and policy direction was provided to the Building Department in order to establish a smooth and efficient property standards enforcement operation. This cannot be totally answered by someone outside of the day-to-day operations of the department. Therefore, some candid advice must come from the department itself or alternatively a review is in order by the Chief Administrative Officer or management consultants familiar with work processes.

One could also question the efficacy of the multiple inspector. During his working day, the multiple inspector will be called upon to make many varied and complex decisions which affect a wide variety of people. At one moment, he inspects a multi-million dollar new construction project and talks with expert construction specialists in engineering, architecture, etc.; minutes later he is chasing a slum landlord, then still later he may be talking with an elderly lady who wants to fix up her home but can't afford it and is terrified of government authorities. Each situation calls for toughness, knowledge, tact and compassion but to be administered with the dexterity of a magician. It requires expertise and training in the field of human relations in order to respond adequately in different situations.

One also questions why new construction should receive a higher automatic priority over old dangerous and hazardous buildings that threaten public safety. At the very least, property maintenance should receive equal priority.

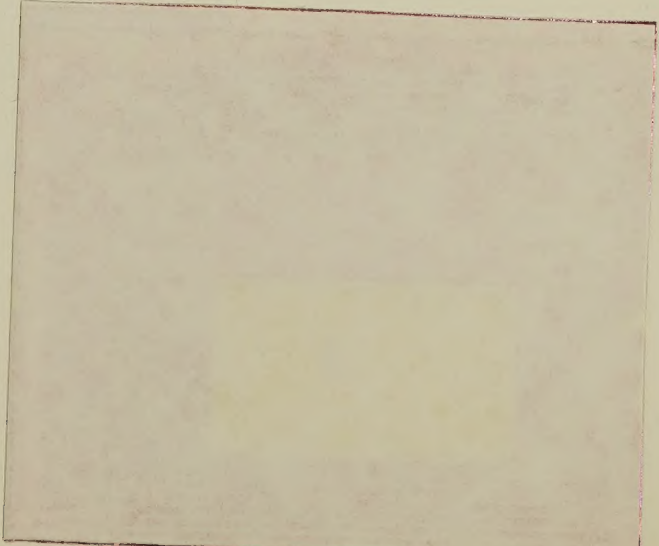
One also wonders why property standards is not a division in itself within the Building Department with even closer communicative links with the Community Development Housing Loans Officer, so that the efficient co-ordination of loans, inspections and enforcement orders are improved upon.

It is my concern that some of the worst property standards infractions "appear" to receive only a little more attention than some of the minor property standards infractions. I believe the worst conditions should receive special attention.

I am also concerned that not enough training time is given to new inspectors, especially in the area of public relations and giving evidence in court (NOTE: The term "public relations" should be interpreted as meaning being tough when the occasion calls for toughness as well as being compassionate).

When results are not obtained in the field and slum landlords in effect laugh at City Hall and the inspectors' orders, I can only assume that many dedicated people become frustrated. I am sure morale declines because of public dissatisfaction and that the individual and department efficiency suffers.

Combine all of the above factors together and we have a system of enforcement that is inadequately able to respond to the public need.



OTHER PERPLEXING FACTORS

- 1) Why should other civic departments have to pay for the cost of tax certificates?
- 2) Why is it that the following statement on Orders to Comply is simply ignored by some landlords?

By-law 74-74, Section 3(i)

"The property is not to be used, rented or offered for rent while not conforming to the Standards".

- 3) The Fire Department has as policy a general policy when ordering vacant buildings boarded-up to have only the lower half of the building boarded-up. The top half is often left wide open for trespassers to enter.

CITY-OWNED PROPERTIES - MUD ON THE CORPORATION'S FACE

There is an apparent silent policy of the Corporation that if true smacks of blatant hypocrisy, and must be changed.

The City often comes into possession of property through various channels. While in the possession of the City, the properties may be in disrepair to begin with, or fall into disrepair. The Building Department is mandated to respond to property standards complaints. However, if the respective department (in most cases, the Real Estate Department) fails to comply with the Notices, then Orders must (or should) be issued.

However, this could cause considerable public embarrassment for the Corporation because the Legal Department could not possibly represent two sides of an issue.

I strongly suspect that there are or have been city-owned houses rented out that do not comply with the City's own property standards by-law. This situation should never exist or be permitted to exist. The Corporation is not exempt from its own by-laws and should be absolutely sure to set example through practice and not speak out of both sides of its mouth.

Another very similar policy to the above is one that needs changing. The City from time to time will come into possession of property because the owner has failed to pay his property taxes. Many of these properties are run-down houses. The City simply puts the house up for sale and attempts to regain the amount of tax owing through the sale of the house. Some of these properties are sold to the very same slum landlords the Building Department is chasing to fix up the houses.

The City is therefore, aiding and abetting the continuance of the problem. Any property that the City owns should be repaired and improved to meet all the requirements of the property standards regulations before any thought is given to offering the property for sale.

THE TORONTO EXPERIENCE

(see Exhibit "D")

The City of Toronto have developed quite an effective procedure for dealing with property standards enforcement.

I have received from Mr. George Cook, the Deputy Commissioner of the Building Department in Toronto, a package of material consisting of some twenty-six pages. Rather than photocopy all of this material, I will attempt to summarize the key principles which Toronto follows.

Basically, Toronto takes a positive approach in order to bring sub-standard buildings up to standard. They use a point system in order to evaluate and rate the conditions of run-down buildings.

The intensity of enforcement is greater if the building is in greater disrepair. Once it reaches the stage where the building has deteriorated to an unacceptable point rather than allow it to deteriorate further, steps are taken to have the City repair the building. The costs for the repair work including the administrative costs are put on the tax bill.

It is very interesting to note that absentee-owned premises are not permitted to accumulate over 51 points before the City moves in to do repair work, whereas owner-occupied premises are permitted to accumulate over 71 points before the City moves in to do the repair work. This is a type of positive discrimination against absentee landlords.

Last year alone the City of Toronto repaired well over a hundred houses by using this method of enforcement.

To the best of my knowledge, the City of Hamilton have never used the authority given in the property standards by-law to repair sub-standard buildings.

RECOMMENDATIONS

- 1) Continue the present practice of acting upon a complaint basis.
- 2) Direct the Chief Administrative Officer in conjunction with the appropriate staff to review and recommend any changes required in the operations of the Building Department in relationship to the property standards enforcement procedures as it specifically relates to:
 - (i) Adequacy of staff complement
 - (ii) Effectiveness of the multiple inspector
 - (iii) Adequacy of staff training
 - (iv) Adequacy of resources and physical space in the department
- 3) That consideration be given to establishing a separate Property Standards Division within the Building Department.
- 4) That procedures be established to ensure that a priority system of enforcement is implemented whereby the worst properties receive the highest priority.
- 5) That the Building Department be directed to:
 - (i) utilize to a much greater degree Section 21 of Property Standards By-law 74-74, in respect to repair work,
 - (ii) set in place the mechanisms necessary for the City to do repair work on deficient buildings,
 - (iii) establish a rating system of building deficiency to determine when action to repair buildings by the City will be initiated.

- 6) That the Planning and Development Committee recommend to City Council that all City-owned property conform with the property standards by-law and that all department heads are to be instructed to inform the Building Department to inspect buildings under their jurisdiction should they suspect any deficiency might exist.
- 7) That the City establish as policy that all City-owned buildings placed on the market for sale conform with the property standards by-law. Exceptions to this policy will be determined by the Planning and Development Committee upon recommendation from the respective department.
- 8) That the Chief Administrative Officer consult with all necessary public officials involved or may be involved in public housing, ie. the Hamilton-Wentworth Housing Authority, the Regional Municipality of Hamilton-Wentworth, the Provincial Ministry of Housing, to determine and recommend what role the City of Hamilton should play in the field of low income public housing.
- 9) Instruct the appropriate staff to document across the City the total amount of residentially zoned land that is serviced and had previously been developed but is presently sitting vacant. The documentation should include:
 - (i) The location and size of the lands identified,
 - (ii) The total number of likely units possible if the lands were totally developed,
 - (iii) The proportion of lands in private and public ownership to be separated with the public ownership identified,
 - (iv) The likely amount of tax revenue generated if these lands were fully developed.

APPENDIX

EXHIBIT

- A Information Prepared by Alderman Hinkley
 in March, 1981

- B Flow Chart for Property Standards Enforcement
 Procedures

- C Correspondence between Alderman Brian
 Hinkley and the Hamilton and District
 Home Builders Association

- D Toronto's Rating System

EXHIBIT "A"

EXHIBIT "A"

PROPERTY STANDARDS ENFORCEMENT PROCEDURES

A Premise: The present property standards enforcement procedures are sufficient and adequate for the majority of cases when dealing with the law-abiding citizens who are concerned with the condition of their property. The present procedures also appear to be sufficient in the majority of cases when applied against owner-occupied premises; particularly when the premises is the individual's residence.

However: The present property standards enforcement procedures are not adequate when dealing with a certain identifiable (but not necessarily associated) group of individuals known as the "slum landlord".

These property owners (mostly absentee landlords) who by their obvious actions demonstrate a dogmatic and combative approach with our City officials are deserving of special attention. Their unwillingness to maintain their properties to the acceptable legal and safe standards requires that a new attitude and philosophy be applied for this specific group. This custom-designed attitude and enforcement procedures must be backed-up with the necessary re-alignment (and if required) increase in resources.

Note: None of the comments in this paper or in my verbal remarks should in any way be interpreted by any member of staff as a bad reflection on their performance in carrying out their obligations. I have received every courtesy and co-operation within the framework of the present procedures and regulations. All that is presented is put forth only with the view of improving upon the present property standards enforcement procedures as it particularly applies to the most difficult and dangerous situations.

I was prepared to bring this matter before the Planning and Development Committee but decided it may be prudent to deal with the matter privately for now.

Purpose of Meeting: 1.. To examine a sampling of various specific properties that may be in violation of the property standards by-law. This sampling provides a wide range of possible property standards infractions from minor nuisances to what in my opinion are properties that present a dangerous environment and threatens public safety.

Purpose of
Meeting, Cont'd:

2.. To discuss and identify any difficulties, bottlenecks, legal or administrative problems with the enforcement of any of the property standard regulations.

2.. Implement procedures that will streamline the enforcement process with a view to achieving better results in the maintenance of seriously sub-standard properties.

Prepared by: Alderman B. Hinkley
March, 1981

RECOMMENDATIONS

(for consideration)

- 1.. Continue the present practice of acting upon a complaint basis.
- 2.. The Building Department to identify the 10 worst (most unsafe, hazardous etc.,) buildings in the City.
- 3.. Assemble the appropriate "team" (Building Department, Legal Department, Planning, other ?) to focus special attention and attempt to bring about improvements quicker.
- 4.. This "team" must meet together at least once a week for whatever length of time is required, to discuss progress to date, strategy and initiatives.
- 5.. When the decision is made to prosecute in Court, the lawyer acting on behalf of the City and the testifying witnesses should meet together and prepare for the case and in particular the presentation of evidence.
- 6.. Where it is felt with some confidence that the City will receive a favourable court decision, request the media to be in attendance at the Court. This is very important in order to deter others who are like minded.
- 7.. The provision under the Property Standards By-law that permits the City to repair sub-standard buildings should be utilized to a much greater degree on the recalcitrant property owners.

Prepared by: Alderman B. Hinkley
March, 1981.

EXHIBIT "B"

FLOW CHART

BY-LAW 74-74 ENFORCEMENT PROCEDURES

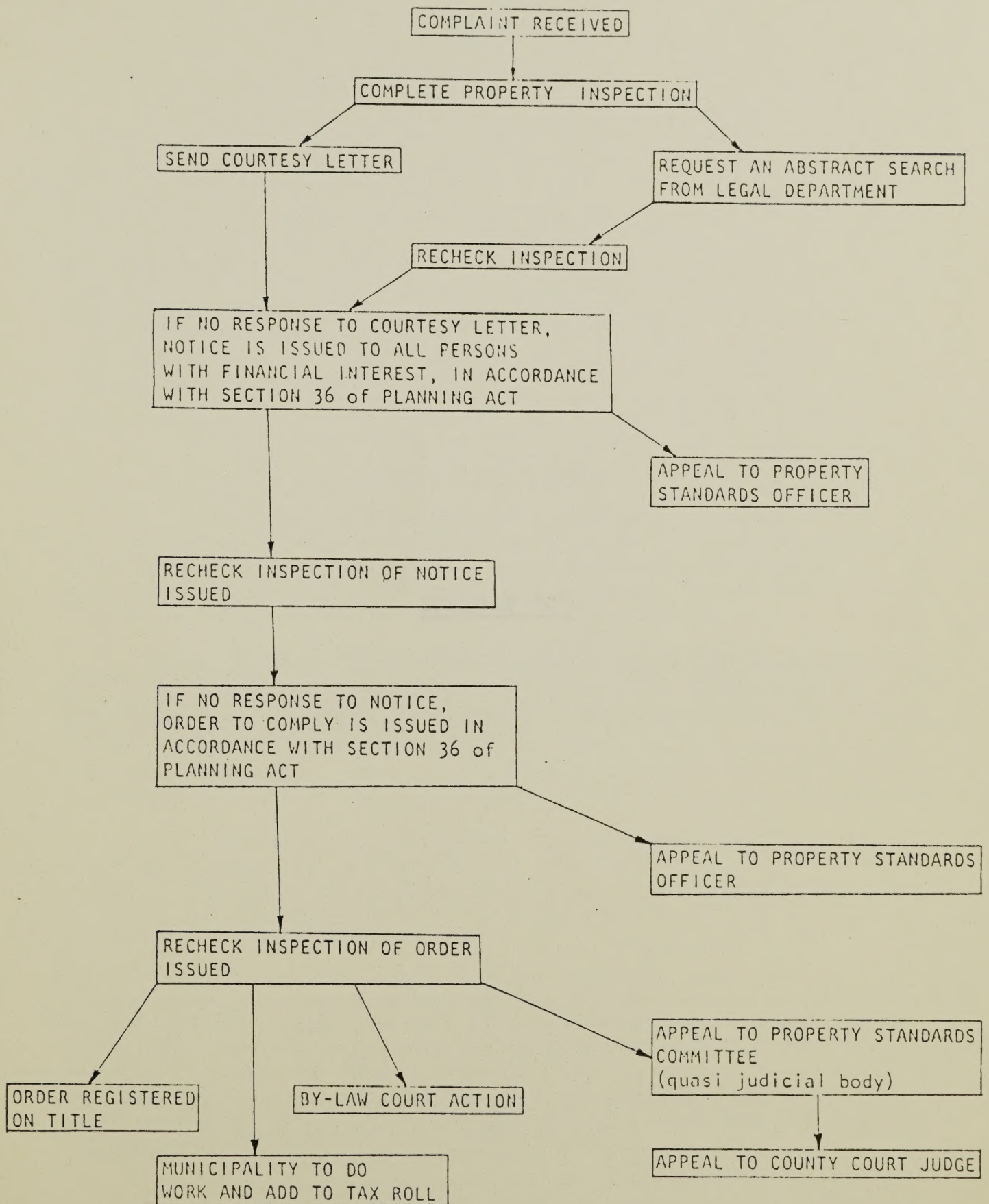


EXHIBIT "C"



CITY COUNCIL
HAMILTON CANADA

April 24th, 1980

Mr. Al Stipsits
President
Hamilton and District
Home Builders Association
47 Grant Avenue
Hamilton, Ontario

Dear Mr. Stipsits:

Re: Infill Housing

You may recall that approximately a month ago I discussed with you certain matters relating to new house construction. With all the discussion lately centered around high mortgage rates, increased cost of energy and the trend towards more inner city living, it seems to me that the house building industry is not responding to these trends.

New housing located further and further away from the inner city appears to be less attractive in our present economic climate. However, new housing in the inner city appears to sell fairly well and may become more attractive if the present trends continue. At this time, there are numerous vacant lots properly zoned for one and two family dwellings scattered over a wide area of the city. There also exists many old houses and buildings that are beyond repair and could be demolished to make room for new construction.

At the present time the market conditions would seem to indicate this type of land might have reached its lowest market value and the land prices now will begin a slow rise. Since there is a slow down of new home purchases in other areas, I am wondering why the home building industry is not moving at this prime time.

Many people still prefer to purchase a "new" house. If new economy housing were built in the inner city, I am sure some of the public would prefer this alternative to a large, expensive home on the perimeter of the city with a large mortgage. I recognize the profit margin will be lower but, a low profit margin certainly should be better than no profit. The industry, I assume, must also be concerned about the maintenance and security of their work force and the problems that occur when the tradesmen begin to drift away if work is not available.

I can't help thinking of the Chrysler Corporation and many of the other auto companies who simply sat back while foreign competition responded to the needs of the public. I would hope that the home building industry doesn't make the same mistake by not responding to the public need.

Mr. Al Stipsite

2

April 24th, 1980

I would be most interested in hearing any response you may provide or indicate how the City Council could encourage new home building to take place on the lands that I have described.

Hoping to hear from you soon.

Yours very truly,

Brian Hinkley
Alderman - Ward 3

✓
BH:rf

c.c. Mr. Ed Kowalski
Director, Department
of Community Development



CITY COUNCIL
HAMILTON CANADA

January 19th, 1981

Mr. Peter De Santis, President
Hamilton & District Home Builders Association
47 Grant Avenue
HAMILTON, Ontario

Dear Mr. De Santis:

Last year I took the initiative to contact Mr. Stipsits by telephone and very briefly discussed with him some of my concerns regarding "Infill Housing". Mr. Stipsits said he would get back to me at a later date after some discussion with members of the Association.

When I did not hear from him I wrote a letter expressing my concerns. I have enclosed a copy of that letter for your information. After a further period of time passed with no reply forthcoming, I phoned Mr. Stipsits once again. This time I spoke with his secretary. Mr. Stipsits was apparently just going into a meeting and his secretary informed me that he would call me later. Much to my disappointment, I have still not received a response to the matters raised in my letter dated April 24th, 1980.

A recent article in the Spectator (copy of which is attached) prompted me to once again make contact with the Home Builders Association to determine if there is any interest in this type of housing and what measures could be taken by local government to encourage activity in this area.

I am also wondering why more activity is not taking place in large scale renovations of old buildings. It is my opinion that the market is there but again we have an industry that prefers to cling to the old methods of the 50's and 60's. Certainly numerous private individuals and small firms are into renovations. I don't understand why more of the builders are not shifting gears and tapping into this market. It must be obvious from present events and government policy that a shift away from new development to redevelopment is the order of the day.

As one member of Hamilton's City and Regional Councils as well as being a member of the City's and Region's Planning and Development Committees, I would be pleased to receive from you any comments, advice or suggestions you may offer.

Yours very truly,

Brian Hinkley
Alderman, Ward 3

BH:wt

Encs.



HAMILTON & DISTRICT HOME BUILDERS ASSOCIATION OF HUDAC

47 Grant Avenue

Hamilton, Ontario L8N 2X4

527-2412

February 27, 1981

Mr. Brian Hinkley
Alderman, Ward 3
City Hall
Hamilton, Ontario
L8N 3T4

Dear Mr. Hinkley:

Re: Infill Housing

Thank you for your correspondence and obvious concern for the above matter. Notwithstanding our absence for the HUDAC national conference, the complicated issues you raised have provoked lengthy debate and we offer you a concise albeit hasty reply.

Your comments are prefaced by the "opinion" that a large market exists for infill, or rehab or conversion housing and it is to that market we wish to address our comments.

Our Association is actively encouraging renovation activities through our Renovation Council. Further, we believe in this type of Housing because it places no additional burden upon the taxpayers - the services are in the ground and paid for. However, in addition to the risks in spot development and overpricing the surrounding market, we face problems such as mortgage availability and attitudes at City Hall about "what will happen to dislocated people" who are living in these depressed or run down core neighbourhoods you would like us to rebuild. These are minor obstacles compared to the overriding problem that the only people who will live downtown are the people who will work downtown! Let us deal with that issue first.

To achieve this we need more industry and a broader commercial base as outlined in the official plan ammendment as well as access - or transportation. The population of Hamilton-Wentworth increased by approximately 2500 in 1980. All of this increase

Cont'd.....

has gone to the suburbs at the expense of Hamilton, who - for the first time in 3 years - has reported a miniscule increase. One has only to ask the question - why are the industrial parks of Flamborough, Ancaster and Stoney Creek rolling ahead, while Hamilton's stagnates. The answer of course is access. The industrial land on the mountain is there as well as the majority of a ten year supply of residential land approved or under consideration. There is no access up or down, hence no industry, and ultimately no housing. Many people work in the lower city and live on the mountain, but when travel time approaches 45 minutes, we've reached the limit.

People don't necessarily want to move to Stoney Creek for example, but, because they can quickly get to work in the east end or to the new industrial centres there, they do. Why else was Stoney Creek one of the fastest growing communities in Ontario last year?

Hamilton needs to build more houses to cover the costs of capital spent on water supplies, trunk sewers, and sewage treatment facilities. We have the resources and the ability to build for that market - but not to attract it!

We haven't even mentioned the airport expansion and how costly those delays have been to our economic growth.

We have not lost sight of our original topic - infill housing. All these issues build upon each other to create the housing mix in our City. To properly understand the "market" there is one more item of paramount importance we must discuss - Rent Controls.

Rent controls have done more harm in Hamilton in four years than many believe we can ever overcome. We must remember that they were introduced primarily for large centres where vacancy rates were less than 4% and high inflation and high demand (growth!) meant unaffordable rents for many. Over the rent control period in Ontario the Consumer Price Index has risen 62 percent while the automatically - allowed increase in rents has been 38 percent. These measures have so drastically curtailed construction that, even in our City with zero or negligible growth, the vacancy rate has dropped from norms of 4 to 6 percent to 1.2% in January, 1981!!!

We believe that the majority of people living in apartments do not need the subsidization of rent controls and by now you must realize that the apartment builders are subsidizing their rents. There were no apartments built in Hamilton in 1980, there are none planned for 1981, and we know of none on the drawing boards.

The recently announced \$4,200 construction subsidy will have absolutely no effect on rental construction in our city. Further

Cont'd.

why are we asking the majority of the taxpayer of the Province of Ontario to support the minority who choose to dwell in apartments?

We therefore make the following recommendations to you:

- i) that Hamilton City Council request the Ontario Provincial Government to totally remove rent controls or at least to remove them in our municipality.
- ii) that in the event dephasing is required that the government decontrol the unit when it becomes vacant or when the tenant earns sufficient income to pay the market rent.

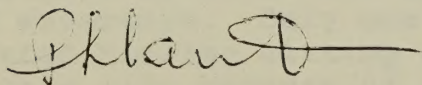
If people are paying unrealistically low rents, then what inducement is there to move up or better still buy some of those older downtown homes that have reached their "lowest market value." Let's get them out buying homes. If current market rents together with a \$4,200 grant cannot stimulate any new rental accommodation, then don't think for a moment that a rehab rental project could be any more visable.

One positive concept to encourage renovation/rehabilitation is for the city to eliminate property taxes during the restoration period of a building. This would do much to spur projects into reality.

Problems with zoning by-law interpretations, fire codes and the new rehabilitation code are being dealt with by our HUDAC Provincial Renovation Council. I am pleased to advise further that there is excellent rapport and liason between our local Renovation Council and your building and Community Development Departments who regularly attend our meetings.

We have several members who are contemplating various renovation projects - some on a large scale and some have even purchased the land - but are gingerly testing the waters for a market that may not exist. Please rest assured that our industry is not "clinging to the old methods of the 50's and 60's but is in fact, in closer touch with the reality that is our bread and butter. If you can resolve the problems of industrial growth, transportation, and government controls than we can easily rebuild and house this great City to keep pace with its growth.

Yours truly,



P. DeSantis
PRESIDENT
H.D.H.B.A.

PDeS/bk



CITY COUNCIL
HAMILTON CANADA

March 16, 1981

Mr. Peter De Santis, President
Hamilton & District Home
Builder's Association
47 Grant Avenue
HAMILTON, Ontario

Dear Mr. De Santis,

Thank you for replying to my letter of January 19th, 1981.

Perhaps my letter wasn't clear enough. I was hoping you would address yourself more directly to "new infill housing construction" and "renovations of existing buildings" in the area surrounding the central core of the city; say, perhaps from Parkdale Avenue to Dundurn Street and from the base of the mountain to the harbour (except those lands zoned for industry).

All of this area has excellent transportation facilities; it is close to the work centres of industry and the central business district; and it already contains virtually all of the hard and soft services required for buildings and people. This area of the city has everything in place.

On top of all of this the local, provincial and federal governments are providing all kinds of direct and ancillary inducements in the form of neighbourhood improvement programmes, downtown revitalization and urban renewal, loans for renovations, subsidy for rental construction, encouragement and assistance in the renovation area and many other initiatives related to energy conservation for existing structures.

Airport expansion is required. Better access roads are required (particularly the north-end perimeter road and a new road along the beach strip). More land for industry in Hamilton is required. And yet, the land is already there, zoned for the heaviest type of industry. It is serviced by water and sewer and has excellent access to road, rail and waterways. Only one problem; it has some of the worst physically deteriorated housing sitting on it. The assessment, jobs and economic loss to this city because of this situation is incredible, but both City and Regional Council are slow to respond to this dual crisis.

March 16, 1981

The land I am referring to is the industrially zoned land north of the main C.N.R. rail lines that stretches in some cases to the harbour.

The dual crisis is the inefficient use of this valuable industrial land and the appalling and dangerous living conditions for the residents of this area.

As far as rent control goes; well even all the experts don't agree on how to fairly handle this one.

Unfortunately, I am of the opinion that three quarters of the comments in your letter do not address the question of "new infill housing" or "renovations". If all of those areas where you have expressed concern were to suddenly materialize to-morrow, the impact on the housing industry may in my opinion, spark new development of land further away from the centre of Hamilton. Then we are right back to the 1960's mentality again: Instead of re-development; new development.

All levels of government have certainly provided enough encouragement for re-development. I think the private sector in Hamilton is just slow to respond. The new thrust has caught on in Toronto, but the private sector in Hamilton is just too shy.

Thank you for your letter anyway. Perhaps someday we will all begin to realize boom time is over and that continual new development is not in the cards. The only way as I see it to stop our cities from decaying is to renew our cities as Hamilton City Council has and is doing downtown.

The days of building new cities or the inefficient land use philosophy of urban sprawl is over. If the private house building industry does not respond to the needs of changing times i.e. higher cost energy, smaller families, more singles and childless couples, more career oriented women etc., etc., then once again perhaps governments should forget about providing inducements, incentives and encouragement, but rather start to play a more direct role in the area of infill housing and renovations.

Thank you once again for your interest in this matter.

Yours very truly,

Brian Hinkley
Alderman - Ward 3

BH:nb

EXHIBIT "D"

4 of 14

MEMORANDUM

TO DISTRICT SUPERVISORS
FROM R. Bonner
DATE May 29, 1975
SUBJECT Order Points Scale



The Neighbourhoods, Housing, Fire & Legislation Committee at its meeting on May 1, 1975, accepted the points scale for orders as submitted, copy attached. On May 14, 1975, City Council also adopted our recommendation which reads:

"That authority be granted to the Inspector as designated under the Housing By-law to make the decision of when to send a summons order. The decision to be based on points scale system as outlined in this report."

I suggest the implementation of the scale system proceed immediately.

c.c. Mrs. DiRuscio
Mrs. Aleandro
Mr. Meldazy
Mr. Dwornik
Mr. Wilkinson

RB.

May, 1975

ORDER TYPE RATINGS

Exterior Contraventions

Grounds & painting	20
Major defects	20
Garages and fences	10

Absentee-owned premises

51 points and over	- order procedure
31 - 50 points	- summons order.
1 - 30 points	- First letter

Interior Contraventions

Plastering, plumbing, other	20
Heating and hydro	20
Housekeeping	10

Owner-occupied premises

71 points and over	- order procedure
51 - 70 points	- summons order
50 points and under	- First letter

Lodging House Factors

Gongs or pull stations	5
Extinguishers	5
Exits	30
P.O.C.s	20

HAMILTON PUBLIC LIBRARY



3 2022 21335279 8

U

Oxford
1250
MADE IN CANADA